UNITED STATES PATENT AND TRADEMARK OFFICE

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FISH & RICHARDSON, P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
KIM, PAUL

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/699,170
Filing Date: October 31, 2003
Appellant(s): BHATT ET AL.

Jeremy J. Monaldo
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 31 October 2008 appealing from the Office action

mailed 7 May 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,671,757	Multer et al	1-2000
6,948,133	Haley	3-2002
6,768,994	Howard et al	2-2001
5,423,033	Yuen	9-1992

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   **Claims 1-2, 6-8, 10, 13-16, and 19-20** are rejected under 35 U.S.C. 102(e) as being

anticipated by Multer et al (U.S. Patent No. 6,671,757, hereinafter referred to as MULTER), filed on 26

January 2000, and issued on 30 December 2003, in view of Haley (U.S. Patent No. 6,948,133, hereinafter

referred to as HALEY), filed on 19 March 2002, published on 2 January 2003, and issued on 20

September 2005, and in further view of Howard et al (U.S. Patent No. 6,768,994, hereinafter referred to

as HOWARD), filed on 23 February 2001, and issued on 27 July 2004.

3.   **As per independent claims 1 and 15**, MULTER, in combination with HALEY and HOWARD,

discloses:

> A method comprising:
>
>   accessing at least one data element representing a delta data change from a source database of a source system, the delta data change existing in a first collection of data in the source database {See MULTER, col. 6, lines 20-30, wherein this reads over "the differencing transmitter on System A will extract the differences in the file known to exist on System B and any new files"};

accessing a related data element from the source database, the related data element defined to have a relationship to the at least one data element and affecting a layout of the at least one data element {See HALEY, C8:L46-59, wherein this reads over "the binding table 13 can be quickly scanned to discern which prompt elements are bound to which data item, a necessary operation in order to refresh the display 2 for prompt elements whose data has changed"; and C10:L35-53, wherein this reads over "as soon as the patient gender is changed to FEMALE, the data item last_PAP_Test_Date becomes relevant" and "[w]henever data is changed on the form, the tale 41 is scanned to determine if the changed data item matches any data items listed in column 43"};

copying the at least one data element and the related data element to an export data file {See MULTER, col. 6, lines 6-8, wherein this reads over "converts the information extracted into difference information"} by converting the at least one data element and the related data element to ActiveX Data Object specific extensible markup language files by data type {See HOWARD, C10:L31-40, wherein this reads over "[t]hese data are converted to XML format and sent to the client to pre-fill the Report Editor ActiveX control" and "[t]he XML Parser 61 on the server is used to obtain report data from the database 14 via ADO in the form of record sets and transform those record sets into XML format"};

transporting the export data file from the source system to a target system having a target database {See MULTER, col. 6, lines 20-30, wherein this reads over "transmit only those differences (instructions for where to insert those differences) to the differencing receiver"};

displaying, at the target system, a user interface {See MULTER, col. 13, wherein this reads over "[a] user interface is provided to allow additional functional features to a system user "} that identifies ones of the at least one data element that exist in a second collection of data stored in the target database {See MULTER, col. 6, lines 8-11, wherein this reads over "[d]ifference information comprises only the changes to System B's data which have occurred on System B and instructions for implementing those changes"}, to prompt a user selection of desired ones of the at least one data element to be copied in the target database {See MULTER, col. 2, lines 43-45, wherein this reads over "[i]f both files have changed, then the synchronization routine presents the option of conflict resolution to the user"}; and

copying selected ones of the at least one data element and the related data element to the target database {See MULTER, col. 6, lines 52-58, wherein this reads over "a separate database of the difference information provided by System A . . . stored for later retrieval by System B"}.

The combination of the inventions disclosed in MULTER and HALEY would disclose a method wherein changed data having a relationship to another data element affect the layout of the data element by either activating or inactivating the data element. Additionally, HALEY discloses the conversion of the data elements into an XML document as changes are made to said data elements. While MULTER and HALEY may fail to expressly disclose that the export data file is an ActiveX Data Object specific extensible markup language file, HOWARD discloses an invention wherein data is pulled in the form of record sets from a database via Active Database Objects and subsequently converted into XML format. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the inventions suggested by MULTER, HALEY, and HOWARD.

One of ordinary skill in the art would have been motivated to do this modification so that a

changed data element and its related data elements may be extracted from a source database such that

the data element and related data element may be combined for export into one export data file in ADO

and XML format.

4.   **As per dependent claims 2, 10, and 16,** MULTER, in combination with HALEY and HOWARD,

discloses:

> The method of claim 1 wherein copying the at least one data element to the
> export data file comprises:
>
> comparing the at least one data element to a data element stored in a reference
> export data file {See MULTER, col. 6, lines 3-6, wherein this reads over "differencing transmitter . . .
> examines a specified data structure of information which is to be transmitted"}; and
>
> storing the at least one data element to the export data file based on the
> comparison {See MULTER, col. 6, lines 8-11, wherein this reads over "[d]ifference information comprises
> only the changes to System B's data which have occurred on System B and instructions for implementing those
> changes"}.

5.   **As per dependent claims 3, 9, and 17**, MULTER, in combination with HALEY and HOWARD,

discloses:

> The method of claim 1 further comprising copying a related data element from
> the source database to the export data file, the related data element relates to one of
> the at least one data element {See MULTER, col. 6, lines 6-19, wherein this reads over "[d]ifferencing
> transmitter extracts such information from System A and converts the information extracted into difference
> information. Difference information comprises only the changes to System B's data which have occurred"}.

6.   **As per dependent claims 5, 12, and 18**, MULTER, in combination with HALEY and HOWARD,

discloses:

> The method of claim 1,
>
> wherein copying selected ones of the at least one data element to the target
> database comprises copying a related data element from the export data file to the
> target database, the related data element relates to one of the at least one data element
> {See MULTER, col. 6, lines 52-60, wherein this reads over "[s]torage server may store a separate database of
> the difference information provided by System A" and "multiples sets of difference information may be provided
> at different points in time, and stored for later retrieval by stem B"}.

7.   **As per dependent claims 6, 13, and 19,** MULTER, in combination with HALEY and HOWARD,

discloses:

The method of claim 1,

wherein copying to the target database comprises generating a restorable archive file using the ones of the at least one data element that exist in the second collection of data stored in the target database {See MULTER, col. 6, lines 60-64, wherein this reads over "the difference information sets may be maintained on server to allow data on either System A or System B to be returned to a previous state"}.

8.   **As per dependent claim 7, 14, and 20**, MULTER, in combination with HALEY and HOWARD,

discloses:

The method of claim 6

wherein generating the restorable archive file comprises using a related data element to the at least one data element, the related data element existing in the second collection of data stored in the target database {See MULTER, col. 6, lines 60-64, wherein this reads over "the difference information sets may be maintained on server to allow data on either System A or System B to be returned to a previous state"}.

9.   **As per independent claim 8**, MULTER, in combination with HALEY and HOWARD, discloses:

A system comprising:

a computer network {See MULTER, Figure 7; and col. 1, lines 57-65, wherein this reads over "system A", "system B", and "type of network"};

a source system coupled to the computer network {See MULTER, col. 1, lines 57-65, wherein this reads over "system A"}, the source system storing a first collection of data in a source database {See MULTER, Figure 5};

a target system coupled to the computer network {See MULTER, col. 1, lines 57-65, wherein this reads over "system B"}, the target system storing a second collection of data in a target database {See MULTER, Figure 5};

a service delivery device coupled to the network, the service delivery device including a processor and memory storing instructions that, in response to receiving a first type of request for access to a service {See MULTER, col. 6, lines 3-6, wherein this reads over "[t]he differencing transmitter, upon receipt of a control signal enabling operation of the transmitter, examines a specified data structure of information which is to be transmitted to system B}, cause the processor to:

access at least one data element representing a delta data change from the source database of the source system, the delta data change existing in the first collection of data in the source database {See MULTER, col. 6, lines 20-30, wherein this reads over "the differencing transmitter on System A will extract the differences in the file known to exist on System B and any new files"};

access a related data element from the source database, the related element defined to have a relationship to the at least one data element and affecting a layout of the at least one data element {See HALEY, C8:L46-59, wherein this reads over "the binding table 13 can be quickly scanned to discern which prompt elements are bound to which data item, a necessary operation in order to refresh the display 2 for prompt elements whose data has changed"; and C10:L35-53, wherein this reads over "as soon as the patient gender is

changed to FEMALE, the data item last_PAP_Test_Date becomes relevant" and "[w]henever data is changed on the form, the tale 41 is scanned to determine if the changed data item matches any data items listed in column 43"};

copy the at least one data element and the related data element to an export data file {See MULTER, col. 6, lines 6-8, wherein this reads over "converts the information extracted into difference information"} by converting the at least one data element and the related data element to ActiveX Data Object specific extensible markup language files by data type {See HOWARD, C10:L31-40, wherein this reads over "[t]hese data are converted to XML format and sent to the client to pre-fill the Report Editor ActiveX control" and "[t]he XML Parser 61 on the server is used to obtain report data from the database 14 via ADO in the form of record sets and transform those record sets into XML format"}; and

transport the export data file from the source system to the target system having the target database {See MULTER, col. 6, lines 20-30, wherein this reads over "transmit only those differences (instructions for where to insert those differences) to the differencing receiver"};

display, at the target system, a user interface that identifies one of the at least one data element that exist in the second collection of data stored in the target database, to prompt a user selection of desired ones of the at least one data element to be copied in the target database; and

copy selected ones of the at least one data element and the related data element to the target database.

The combination of the inventions disclosed in MULTER and HALEY would disclose a method wherein changed data having a relationship to another data element affect the layout of the data element by either activating or inactivating the data element. Additionally, HALEY discloses the conversion of the data elements into an XML document as changes are made to said data elements. While MULTER and HALEY may fail to expressly disclose that the export data file is an ActiveX Data Object specific extensible markup language file, HOWARD discloses an invention wherein data is pulled in the form of record sets from a database via Active Database Objects and subsequently converted into XML format. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the inventions suggested by MULTER, HALEY, and HOWARD.

One of ordinary skill in the art would have been motivated to do this modification so that a changed data element and its related data elements may be extracted from a source database such that the data element and related data element may be combined for export into one export data file in ADO and XML format.

10.   **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over MULTER, in view of

HALEY and HOWARD, and in further view of Yuen (U.S. Patent No. 5,423,033, hereinafter referred to as

YUEN), filed on 30 September 1992, and issued on 6 June 1995.

MULTER and HALEY teach the limitations of claims 1-3 and 5-20 for the reasons stated above.

MULTER and HALEY differ from the claimed invention in that MULTER fails to disclose a method

wherein the data element represents a report, and the related data element represents a graphical

illustration of data in the report (claim 4).

11.   **As per dependent claim 4**, MULTER, in view of HALEY and HOWARD, discloses a method

wherein the at least one data element represents a report {See YUEN, col. 1, lines 44-46, wherein this reads over

"[r]eport may also provide multiple data elements for each row"; and lines 50-52, wherein this reads over "a particular data element

on the report"} and the related data element represents a graphical illustration of data in the report {See

YUEN, col. 2, lines 28-34, wherein this reads over "in a graphics-based report, the system may generate a secondary report

showing detailed information concerning a selected graphical element, such as a wedge in a pie chart"}.

The combination of the inventions disclosed in MULTER, HALEY, HOWARD and YUEN would

disclose a method wherein the data element represents a report (i.e. the data element representing

certain data in the report) and the related data element represents a graphical illustration of data in the

report (i.e. a wedge in a pie chart). Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to combine the inventions suggested by MULTER, HALEY,

HOWARD, and YUEN.

One of ordinary skill in the art would have been motivated to do this modification so that data

elements, such as contact information, charts and reports, and related data elements, such as report

layout logic and text elements, may be copied from a source database to a target database.

(10) Response to Argument

a.   Rejection of claims 1-2, 6-8, 10, 13-16, 19, and 20 under 35 U.S.C. 103 as unpatentable

over Multer in view of Haley and Howard

Appellant asserts the argument that "each of Multer, Haley, Howard, and the proposed

combination fail to describe or suggest copying at least one data element and a related data element to

an export data file by converting the at least one data element and the related data element to ActiveX

Data Object specific extensible markup language files by data type." See Appeal Brief, pages 4-5. The

Examiner respectfully disagrees. It is noted that the cited prior art reference of Howard et al discloses

the recited claim limitations.

Specifically, Appellant asserts the argument that "[a]lthough the Howard system converts data to

XML format, the Howard system does not do so in the context of copying at least one data element and a

related data element to an export data file." See Appeal Brief, page 5. The Examiner respectfully

disagrees in that Howard et al discloses that an XML Parser "obtains the data from the database 14 that

pertains to the client's report that the user intends to modify." See Howard et al, col. 10, lines 31-33.

Wherein the data from the database comprises database that describe the report configuration such as

record set data, one of ordinary skill in the art would have readily read said data from the database upon

the Appellant's claimed feature of "at least one data element and the related data element."

Furthermore, it is noted that said data from the database is "converted to XML format and sent

to the client to pre-fill the Report Editor ActiveX control." See Howard et al, col. 10, lines 33-35.

Accordingly, it is noted that wherein Howard et al discloses that data in the form of record set data is

converted to XML format (i.e. extensible markup language) via Active Data Objects and sent to the client

for use by an ActiveX control, said data would readily read upon the clamed feature of "converting the at

least one data element and the related data element to ActiveX Data Object specific extensible markup

language files by data type."

Additionally, Appellant asserts the argument that "the Howard system does not convert data to

ActiveX Data Object specific extensible markup language files by data type." (emphasis added). See

Appeal Brief, page 6. The Examiner respectfully disagrees in that ActiveX Data Objects inherently consist

of several top-level objects (i.e. data types) such as the Recordset Object and the Field Object. Wherein

Howard et al discloses that Recordset data (i.e. a data type) is obtained and transformed into XML

format, one of ordinary skill in the art would have readily applied said disclosure to read upon the claimed

feature of converting ADO XML files by data type.

Accordingly, for the aforementioned reasons above, the combination of Multer, Haley, and

Howard indeed discloses the claimed feature of "copying at least one data element and a related data

element to an export data file by converting the at least one data element and the related data element

to ActiveX Data Object specific extensible markup language files by data type."

For the aforementioned reasons above, the rejections of claims 1-2, 6-8, 10, 13-16, 19, and 20

under 35 U.S.C. 103 as unpatentable over Multer in view of Haley and Howard are maintained.

b.   Rejection of claims 2, 10, and 16 under 35 U.S.C. 103 as unpatentable over Multer in

view of Haley and Howard

Appellant asserts the argument that Multer fails to describe or suggest the claimed feature of

"comparing at least one data element accessed from a source database of a source system to a data

element stored in a reference export data file, and storing the at least one data element to the export

data filed based on the comparison." See Appeal Brief, page 7. The Examiner respectfully disagrees. It

is noted that Multer et al discloses a system for identifying difference information by comparing and

extracting the differences (i.e. comparing data elements) between a file to be transmitted to System B

and a file residing on System B (i.e. a reference export data file). Accordingly, wherein differences exist

between the file to be transmitted to System B and the file currently residing on System B, the

differencing transmitter of Multer constructs and transmits the difference information (i.e. an export data

file). It is noted for purposes of clarification that "a reference export data file" and "the export data file"

are to be distinguished from each other.

For the aforementioned reasons above, the rejections of claims 2, 10, and 16 under 35 U.S.C.

103 as unpatentable over Multer in view of Haley and Howard are maintained.

c.   <u>Rejection of claim 4 under 35 U.S.C. 103 as unpatentable over Multer in view of Haley,</u>

<u>Howard, and Yuen</u>

Appellant asserts the argument that Yuen fails to describe or suggest "that a related data

element represents a graphical illustration of data in the report, where the related data element is

accessed from a source database from which the data elements used in the report are accessed." See

Appeal Brief, page 8. The Examiner respectfully disagrees. Wherein Yuen discloses a system comprising

of parameters which are used in configuring and generating a report for display, it would have been

obvious to one of ordinary skill in the art that said parameters (i.e. a related data element) are used in

the generating (i.e. representing) report components such as the title, column headings, scroll bars, and

other display areas (i.e. graphical illustration of data). See Yuen, col. 3, lines 34-63.

Additionally, in response to applicant's arguments against the references individually, one cannot

show nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck &*

Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). It is noted that Howard et al discloses an invention

wherein data converted to XML format is sent to a client to pre-fill the Report Editor ActiveX control such

that the report may be displayed as bar and pie charts. See Howard et al, col. 10, lines 20-40.

For the aforementioned reasons above, the rejection of claim 4 under 35 U.S.C. 103 as

unpatentable over Multer in view of Haley and Howard, and in further view of Yuen is maintained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals

and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Paul Kim/

Paul Kim
Examiner, Au 2169

Conferees:

/Tony Mahmoudi/

Supervisory Patent Examiner, Art Unit 2169

/Eddie C. Lee/

Supervisory Patent Examiner, TC 2100